

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,078
)
Appeal of)

INTRODUCTION

The petitioner appeals the decisions of the Department of PATH terminating her and her child's father's eligibility for Transitional Medicaid and their child's eligibility for Dr. Dynasaur benefits due to excess income.

FINDINGS OF FACT

1. The essential facts are not in dispute. The petitioner lives with her minor child and the child's father. Both the petitioner and the father are employed. As of April 1, 2001 their combined gross earnings were \$4,300 a month.

2. When the Department calculated the petitioner's eligibility for Transitional Medicaid benefits the petitioner's and the father's earned income was each subjected to a \$90.00 per month disregard. This brought his family's countable earnings for that program to \$4,120 a month. The Department notified the petitioner that her and the father's Transitional Medicaid benefits would terminate because the

family's income was in excess of the maximum of \$2,256 for a household of three.

3. The Department also notified the petitioner that her son's Dr. Dynasaur benefits would terminate because their gross monthly income was also in excess of the \$3,658 maximum under that program.

ORDER

The decisions of the Department is affirmed.

REASONS

Under the regulations governing the Transitional Medicaid and Dr. Dynasaur programs, all earned income from wages is included as countable income for eligibility. MM §§ M352 and 3001.32. The regulations specifically define earned income as gross income before taxes, except that for self-employed individuals business expenses are deducted first.

Under Transitional Medicaid the only deduction for which the petitioner and the father are eligible is a standard employment expenses deduction of \$90.00 per month each. MM § M352.3. No deductions are allowed under Dr. Dynasaur. MM § 3001.32.

The Department is correct that the petitioner's household has countable income of \$4,120 for Transitional Medicaid and \$4,3000 for Dr. Dynasaur. The maximum for eligibility under the Transitional Medicaid program for a three-person household is \$2256 per month. P-2420 B (8). For Dr. Dynasaur, it is \$3,658. P-2420 B (12). If the petitioner's household has income above that figure, it cannot be found eligible for those programs. MM §§ M350 and 3001.32. As the Department's decisions are in accord with its regulations, the Board is bound by law to affirm it. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

#